

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33477 of 2016

Arising Out of PS.Case No. -198 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Birendra Chaudhary @ Virendra Chaudhary, Son of Kameshwar Chaudhary, Resident of Mohalla- Mallah Toli, P.S.- Mohania, District-Kaimur (Bhabua).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kumar Sunil, Advocate

For the Opposite Party : Mr. Sri Rajballabh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and the learned A.P.P. representing the State.

The petitioner seeks pre-arrest bail in connection with Mohania P.S. Case No. 198 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the informant got information that his land was being encroached by fixing gate and then the informant went there, but he was assaulted by the petitioner and others.

On behalf of the petitioner, it is submitted that two days prior lodging of this case, Mahendra Chaudhary has already lodged Complaint Case No. 312 of 2016 against the informant and others with regard to encroachment on the same land. The police

has reported that informant amalgamated Government land of Khesra Nos. 1237, 1253 and 1275 in his own raiyati land on which there was a road and that is why the occurrence took place. It is submitted that co-accused Munna Chaudhary and Jitendra Chaudhary have already been allowed pre-arrest bail in this case vide Annexure-4.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering that due to land dispute the occurrence has taken place and prior to lodging of this case, Complaint Case No. 312 of 2016 was already lodged against the informant and others. Other co-accused have been allowed pre-arrest bail and as such the petitioner in case of his arrest or surrender within one month from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur (Bhabhua) in Mohania P.S. Case No. 198 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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